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10/674,169

09/29/2003

Hozumi Tanaka

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1955

23474 7590 08/21/2008  
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EXAMINER

HUSON, MONICA ANNE

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/674,169  
Filing Date: September 29, 2003  
Appellant(s): TANAKA, HOZUMI

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Terrence Chapman  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 30 May 2008 appealing from the Office action mailed 12 December 2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6979419	Cameron	12-2005
6814914	Tasaka et al.	11-2004

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron (U.S. Patent 6,979,419), in view of Tasaka et al. (U.S. Patent 6,814,914). Cameron shows that it is known to carry out the method of molding a film (Column 2, lines 59-67) comprising the steps of applying a colored film to a molding face of a mold (Column 2, lines 39-44; Column 3, lines 39-40); allowing the film to be sucked onto the molding face by vacuum suction to mold a colored concave and convex film (Column 2, lines 39-44; Column 3, lines 35-41); and stretching the film at a position on a line of the diameter of the mold in parallel with the certain direction less than stretching at other positions to thereby allow the color of the film at the position where the stretching of the film is less to be deeper and form a reference mark in a direction (Column 3, lines 41-47; Column 4, lines 1-14; stretching of the film at the position 28 is less than that at position 26; reference mark is formed at position 28). Cameron does not specifically show forming a polarizing film or setting specific tension to the film. Tasaka et al., hereafter "Tasaka," show that it is known to carry out a method of forming a polarizing film (Column 2, lines 32-46) including setting a tensile of the polarizing film in a certain direction less than a tension of the polarizing film in a direction perpendicular to the certain direction (Column 22, lines 66-67; Column 23, lines 1-3, 37-48). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Tasaka's varied tension amounts during Cameron's molding process to obtain a biaxially-stretched film prior to the thermoforming process.

**(10) Response to Argument**

Appellant contends that Cameron does not suggest the instant invention because there is no disclosure of a reference mark formed on the plastic sheet. This is not persuasive because, as noted in the Final Office Action, the reference mark is interpreted to be the bump or protrusion located at position 28 on the plastic sheet.

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Appellant contends that Cameron does not show a reference mark formed in a polarizing direction. This is not persuasive because Cameron was not cited to show this limitation.

Appellant contends that Cameron and Tasaka do not suggest the instant invention because there would be no reason to combine the two disclosures. This is not persuasive because both Cameron and Tasaka are concerned with manufacturing optical products (Cameron is directed to a process for forming contact lenses (Title); Tasaka is directed to a process of forming optical films (Column 2, lines 31-34)). Tasaka uses varying tensions to particularly form his optical film to have excellent optical properties (Column 2, line 33) and various physical elements. It is maintained that the benefits of Tasaka's tensioning process, with respect to his optical films, would be equally beneficial to Cameron's contact lenses.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Monica A Huson/

Primary Examiner, Art Unit 1791

Conferees:

/Steven P. Griffin/

Supervisory Patent Examiner, Art Unit 1791

/Christina Johnson/

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